



CITY OF MEMPHIS

COUNCIL AGENDA

January 3, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (December 20, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE - SECOND READING

1. **ORDINANCE** amending Chapter 2, code of Ordinances, City of Memphis, Sections 171 through 176, Relating to the Aging Commission of The Mid-South concerning the affairs of Senior Citizens in the City of Memphis and the Counties of Fayette, Lauderdale, Shelby and Tipton, up for S E C O N D reading.

Marshall

Ordinance No. 5150

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

2. **ORDINANCE** rezoning the east side of Covington Pike; +108 feet south of Oak Meadow Avenue, containing 1.84 acres in the Single Family Residential (S-S10) District, up for F I R S T Reading.

Peete

Ordinance No. 5151

Case No. Z 05-121

Applicant: SFP Investment, LLC
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING (none)

NOTATIONS FROM OPD

3. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-377

Located on James Road at Woodlawn Terrace, containing 113.20 acres in the Single Family Residential (R-S10) District

Applicant: United Housing
ETI Corporation – Representative

Request: A residential planned development to create 322 single family detached lots (lot sizes range between 6,000 square feet and approximately 2.5 acres)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 17, 2006



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MLGW FISCAL CONSENT

4. RESOLUTION approving expenditure of funds to Mutual Aid Agreement member, as follows:

North Little Rock Electric Department.....\$31,742.07
5. RESOLUTION awarding Contract No. 11080, Managed Prescription Drug Program, to Express Scripts, Inc., for the period 4/1/06 to 3/31/07, in an estimated funded amount of \$10,640,137.00, based on plan participants.
6. RESOLUTION awarding Contract No. 11099, BellSouth Voice and Data Services, to BellSouth Telecommunications, Inc. in an estimated funded amount of \$1,616,355.00, covering a 36-month period.
7. RESOLUTION awarding contract for ACSR wire to Utilicor in the amount of \$790,608.00.
8. RESOLUTION awarding contract for aerator coke to Guthrie Sales and Service Company in the amount of \$179,344.56.
9. RESOLUTION approving agreement between MLGW and Memphis Botanic Garden to provide a grant in the amount of \$96,000.00 for the purchase and installation of a 10 kW photovoltaic system.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (none)

10. APPOINTMENTS Marshall

Memphis Landmarks Commission

Reappointment

Earlice Taylor

Appointments

Alan G. Crone

Elise Frick

William S. 'Bill' Nixon

James Toles

GENERAL ORDINANCE - THIRD AND FINAL READING

11. **ORDINANCE** amending Chapter 41, Code of Ordinances, City of Memphis, so as to update regulations for Wreckers and Towing Operators within the City of Memphis, up for T H I R D and F I N A L reading.(Held from 10/11; 10/25;11/1; 12/6)
Sammons Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

12. RESOLUTION accepting grant funds in the amount of Two Hundred Thousand (\$200,000.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Katrina Reintegration Counselor Initiative Fund. Resolution also amends the FY2006 Operating Budget to establish and appropriate grant funds.
Jones

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting grant funds in the amount of Fifty-Four Thousand, Three Hundred Twenty-Four Dollars (\$54,324.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Incumbent Worker Services Training Grant. Resolution also amends the FY2006 Operating Budget to establish and appropriate grant funds.
Jones

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

- DIVISION OF FIRE SERVICES (none)
- DIVISION OF GENERAL SERVICES (none)
- DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)
- DIVISION OF HUMAN RESOURCES (none)
- LAW DIVISION (none)
- DIVISION OF PARK SERVICES (none)
- DIVISION OF POLICE SERVICES (none)
- DIVISION OF PUBLIC SERVICES (none)
- DIVISION OF PUBLIC WORKS (none)
- ZONING ORDINANCES - THIRD AND FINAL READING

14. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for
T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15;12/06; 12/20)
Peete Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent
regarding the location of off-premise signs and amend Section 30,
Nonconformities regarding alteration, expansion, replacement and
moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

15. **ORDINANCE** rezoning the southeast corner of Young Avenue & Meda Street, containing
4,329 square feet in the Local Commercial (C-L) District, up for T H I R D and
F I N A L reading.
Peete Ordinance No. 5143
Case No. Z 05-124

Applicant: Robert Gordon
Robert Gordon – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

129 NOTICES MAILED ON DECEMBER 22, 2005

16. **ORDINANCE** rezoning the northwest and southeast corners of Looney Avenue and N.
Main Street; and the southwest corner of Keel Avenue and N. Main Street, containing
1.006 acres in the Mixed Use (MU) District, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5144
Case No. Z 05-132

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

22 NOTICES MAILED ON DECEMBER 22, 2005

17. **ORDINANCE** rezoning the northwest corner of N. Third Street and Keel Avenue; east of N. Third Street; 74 feet north of Keel Avenue, containing 0.81 acre in the Mixed Use (MU) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5145

Case No. Z 05-133

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

65 NOTICES MAILED ON DECEMBER 22, 2005

18. **ORDINANCE** rezoning the northeast corner of N. Second Street and Looney Avenue, containing 2.088 acres in the Mixed Use (MU) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5146

Case No. Z 05-134

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

36 NOTICES MAILED ON DECEMBER 22, 2005

19. **ORDINANCE** rezoning the west side of N. Sixth Street, 36 feet north of Auction Avenue, containing 0.336 acre in the Mixed Use (MU) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5147

Case No. Z 05-135

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

43 NOTICES MAILED ON DECEMBER 22, 2005

20. **ORDINANCE** rezoning the northwest corner of N. Seventh Street and Mill Avenue, containing 0.569 acre in the Mixed Use (MU) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5148

Case No. Z 04-141

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES MAILED ON DECEMBER 22, 2005

21. **ORDINANCE** to allow a Historic Conservation Overlay District over the present zoning (Single Family Residential R-S10) within the Village Historic District area bounded by Poplar, Goodlett, Cherry and Southern Railroad, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5149

Case No. Z 05-120

Applicant: Office of Planning & Development & Memphis Landmarks Comm.

Request: Historic Conservation (HC) District Overlay

LUCB recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

111 NOTICES MAILED ON DECEMBER 22, 2005

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

22. RESOLUTION approving a planned development located on the southwest corner of Dexter Road and Dexter Lane, containing 8.06 acres in the Agricultural (AG) District. (Held from 11/1; 12/6)

Peete

Case No. PD 05-325cc

Applicant: Tommy Thompson
Davis Engineering (Mark Davis) – Representative

Request: Parcel A – 28 Residential Lots
Parcel B – Commercial Uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

1009 NOTICES MAILED ON OCTOBER 21, 2005

23. RESOLUTION approving a planned development located on the south side of Farrisview Road; +412 feet west of Burlington-Northern Santa Fe Railroad, containing 31.12 acres in the Light Industrial (I-L) and Agricultural Floodplain (AG[FP]) Districts.

Peete

Case No. PD 05-366

Applicant: Pull-A-Part of Tennessee, LLC
Ronald Harkavy – Representative

Request: Self service, Auto Salvage Yard

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

10 NOTICES MAILED ON DECEMBER 22, 2005

24. RESOLUTION approving a special use permit Located on the north side of Cottonwood Road; +/-225 feet west of Perkins Road, containing 1.20 acres in the Single Family Residential (R-S6) District.

Peete

Case No. SUP 05-218

Applicant: Katrina Walker
Universal Design Group – Samuel Turner, III – Representative

Request: Special permit to allow an increase in number of children to one-hundred (100) for a day care center that currently allows a maximum of sixty (60) children

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON DECEMBER 22, 2005

25. RESOLUTION approving a street/alley closure located on the north side of G.E. Patterson Avenue; +92 feet west of S. Front Street, containing 0.05 acre = 2,188.48 Square Feet, in the South Main Extended (SME) District.

Peete

Case No. SAC 04-620

Applicant: Phillip Woodard
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

42 NOTICES MAILED ON DECEMBER 22, 2005

26. RESOLUTION approving a street/alley closure located between Dudley Street and Front Street, containing 0.450 acre = 19,628 square feet, in Light Industrial (I-L) District.

Peete

Case No. SAC 05-612

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON DECMEBER 22, 2005

27. RESOLUTION approving a use variance located on the south side of Dorothy Place; ± 70 feet west of Bellevue Blvd., containing 7,492 square feet in the Single Family Residential (RS-6) District.(Held from 12/6; 12/20)

Peete

Case No. UV 05-07

Applicant: Richard Liptock

Request: Expansion of a duplex (a non-conforming use in the R-S6 District)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

82 NOTICES MAILED ON NOVEMBER 18, 2005

GENERAL ITEMS

28. RESOLUTION supporting the mission and purpose of WTN-COPS and the work it is accomplishing on behalf of our brave Police employees and their families and requests that the Administration approve the process whereby city employees can voluntarily contribute to this organization through payroll deductions.

Marshall

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION supporting the removal of the Land Bridge component from the Memphis Riverfront Master Plan originally endorsed on May 21, 2002, as recommended by the Riverfront Development Corporation.

Peete

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

3. **NOTATION** from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

Consent

- B. Case No. S 05-032 – Laurelwood Subdivision, Resubdivision of Lot 127

Located on the northside of Grove Park Circle; beginning 370 feet west of Grove Park, containing 1.01 acres in the Single Family Residential (R-S10) District

Appellant: David M. Dunlap

Request: Appeal to overturn the action of the Land Use Control Board approving the 2 Lot Preliminary Plat for the Resubdivision of Lot 127, Laurelwood Subdivision

LUCB and OPD recommendation: APPROVAL, with three (3) conditions and one (1) design modification

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 17, 2006

30. RESOLUTION encouraging the General Assembly to support the anti-predatory lending bill.
Holt

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Public Hearing Set for January 17, 2006
4. Through 10 – Approved
11. Held until January 17, 2006
12. & 13 – Approved
14. Held until January 17, 2006
15. Through 20 – Approved
21. Failed
22. Dropped
23. Approved, as amended
24. Held until January 17, 2006
25. & 26 – Approved
27. Held until January 17, 2006
28. Through 30 – Approved

ACTION TAKEN ON THE MINUTES OF DECEMBER 20, 2005

Approved, as amended, item #44's language should include adjacent land owners will be given a key to the gate, for access and item#30, Ricky Wilkins and Dr. Elma Mardis, will be sent back to Committee for clarification of the Charter, pertaining to length of appointment.